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December 13, 2010

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Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Ross University School of Medicine v. Brooklyn-Queens Health Care Inc.  
and Wyckoff Heights Medical Center  
No. 09 Civ. 1410 (KAM)(RLM)

Dear Judge Mann:

My firm and I represent the defendants in the above-captioned case. I write in response to the Court's Order, entered last Friday, December 10, 2010, granting in part the consent application submitted by plaintiffs' counsel by letter of that date. This letter represents the parties' joint request for reconsideration of the Court's decision not to modify the discovery deadline of December 15, 2010, which is two days from now.

In the prior letter, we failed to advise the Court that this modification was requested as a result of an understanding between counsel for both parties to focus on the selection of a mediator and protocol for mediation, and during that process, to curtail the active litigation phase of the case, including the exchange of discovery materials. This understanding included a provision that we would seek from the Court an extension of the discovery cut-off so that any discovery issues that remained open prior to the mediation would be resolved in the event that the mediation did not assist us in resolving the case.

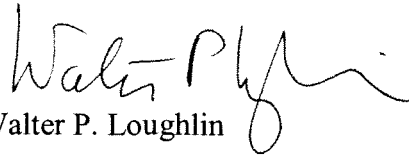
In order to fulfill the spirit and purpose of the understanding, the parties jointly request a new discovery schedule as follows: (i) the conclusion of fact discovery would be extended to March 15, 2011; (ii) plaintiffs Fed. R. Civ. P. 26(a)(2)(B) reports would be due April 7, 2011, with defense reports due May 7, 2011, with rebuttal reports due 30 days after delivery of the reports to which they respond; and (iii) depositions of all experts would be completed by July 15, 2011.

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In addition, following the mediation, the parties would report to the Court on or before February 15, 2011, or on a specific date convenient to the Court, on the status of the case.

Respectfully submitted,

  
Walter P. Loughlin

cc: George J. Tzanetopoulos, Esq.